

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16097 of 2004

Between:

R.Sivalaxmamma, W/o. Pakeera Reddy, 50 years,
R/o. Muchhukota Village, Peddapappur Mandal, Anantapur District.

..... PETITIONER

AND

- 1 Joint Collector, Anantapur.
- 2 The Revenue Divisional Officer, Anantapur.
- 3 The Mandal Revenue Officer, Peddapappur Mandal, Anantapur District.
- 4 T.Sunitha, W/o. Bala Narasimha Reddy,
Muchhukota Village, Peddapappur Mandal Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the order of the 1st respondent passed in Rc.No.K4/ATP/1038/2004 dated 2.9.2004 in refusing to grant stay pending disposal of the appeal as illegal and consequently stay the order of the 2nd respondent passed in Rc.No. D1/CS/1057/2004 dated 20.8.2004 pending disposal of the appeal before the 1st respondent.

Counsel for the Petitioner : Mr. O.MANOHER REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court made the following :

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THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.16097 OF 2004

ORAL ORDER:

Petitioner is the authorized dealer of the Fair Price Shop of Muchhukota village, Peddapappur Mandal, Anantapur District. Her authorization has been suspended by the 2ⁿ^d respondent – Revenue Divisional Officer, Anantapur by order dated 20.08.2004 pending enquiry into the alleged irregularities in distribution of the essential commodities. Aggrieved by the same, petitioner filed an appeal along with an application for stay before the 1st respondent - Joint Collector, Anantapur. First respondent - Joint Collector, Anantapur having entertained the appeal, by order, dated 02.09.2004, rejected the application for stay, which is under challenge in this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for respondents and perused the material available on record.

Having regard to the nature of the allegations as reflected from the order of suspension dated 20.08.2004, I am unable to hold that the impugned order of the first respondent in rejecting the application for stay pending appeal, suffers from any infirmity.

Though the learned counsel for the petitioner raised various contentions with regard to the correctness of the allegations made, since the statutory appeal is pending, I am not inclined to express any opinion on merits of the case. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent - Joint Collector, Anantapur to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of two weeks from the date of

receipt of this order in accordance with law. Till the appeal is disposed of, there shall be a direction not to appoint any temporary or permanent dealer in respect of the shop in question.

Writ petition is disposed of with the above direction. No costs.

gbs 09-09-2004

To

- 1 Joint Collector, Anantapur.
- 2 The Revenue Divisional Officer, Anantapur.
- 3 The Mandal Revenue Officer, Peddapappur Mandal, Anantapur District.
- 4 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT)
- 5 2CD copies.